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In re Application of
RUSHBROOKE, John Gordon et al.
Application No.: 09/914,803
PCT No.: PCT/GB00/00212
Int. Filing Date: 25 January 2000
Priority Date: 16 March 1999
Attorney's Docket No.: 602-1539
For: SAMPLE IMAGING

NOTIFICATION

OF A

DEFECTIVE RESPONSE

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. §371.

BACKGROUND

On 25 January 2000, applicants filed international application PCT/GB00/00212, which claimed a priority date of 16 March 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 September 2000.

On 29 August 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 23 October 2001, the Office mailed a "Notification of Missing Requirements Under 35 U.S.C. 371 In the United States Designated/Elected Office," (Form PCT/DO/EO/905) noting, *inter alia*, that an oath or declaration of the inventors complying with 37 CFR 1.497(a)-(b) was required.

On 31 December 2001, applicants filed a declaration executed by Claire E. Hooper, who signed on behalf of herself and John Gordon Rushbrooke, to execute the declaration.

DISCUSSION

Under 37 CFR 1.497(b), the oath or declaration must be made by all of the actual inventors except as provided in §§1.42, 1.43 or 1.47. Applicants have not filed a request for status under 37 CFR 1.42 or 37 CFR 1.43, nor have applicants filed a petition under 37 CFR 1.47.

As such, the declaration signed by Claire Elizabeth Hooper on behalf of John Gordon Rushbrooke is unacceptable as it fails to comply with 37 CFR 1.497(b).

CONCLUSION

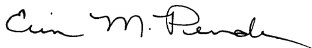
For the above reasons, the declaration does not comply with 37 CFR 1.497(a)-(b).

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 within a time limit of **ONE (1) MONTH** from the mail date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form PCT/DO/EO/905), whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136(a), but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months. **FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.** Any request for reconsideration of this decision should include a cover letter entitled "Response to Notification of Defective Response."

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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